

REMARKS

1. In the above-captioned Office Action, the Examiner objected to the drawings and the specification. Claims 1, 2, 4, 5, 16, 17, and 20 were rejected under 35 U.S.C. §102(b) in view of Perez et al. (U.S. Patent No. 6,273,042). Claims 3, 6-10, 13-15, 18, and 19 were rejected under 35 U.S.C. §103(a) given Perez in view of Carroll, III et al. (U.S. Patent No. 5,542,315). Claims 11 and 12 were rejected under 35 U.S.C. §103(a) given Perez et al. in view of Carroll, III et al., and further in view of design choice. These rejections are traversed and reconsideration is hereby respectfully requested.

2. The Examiner objected to the drawings for failing to show the "loop 890" in them. Paragraph 35 is amended above to replace "890" with --290-- which is shown in the drawings, thus obviating the need to change the drawings.

3. The Examiner objected to the specification because the last sentence in paragraph 10 does not have a period. Paragraph 10 is appropriately amended above.

4. Independent claims 1 and 16 were rejected under 35 U.S.C. §102(b) in view of Perez. Prior to discussing the merits of the Examiner's position, the applicant believes it would be helpful to first briefly describe and characterize the Perez reference.

THE PEREZ REFERENCE

As stated in Perez:

Contact between the retainer and any other above the bottom ball plane is limited to contact between retainer and the socket during at least one part of the range of relative motion [Column 4, lines 64-67].

The retainer has a top having an interior surface. A plane through the interior surface of the top of the retainer is spaced above a plane through the top of the socket [Column 8, lines 6-9].

Perez therefore describes a retainer that is in contact with the socket portion but is not in contact with the ball portion. Perez also teaches that the retainer includes a channel for the delivery of lubricant to the exterior bearing surface of the socket

[Column 6, lines 26-27]. Thus, Perez teaches a retainer that is not wire-like, but a retainer that has a non-wire-like surface and is capable of forming channels for the delivery of lubrication to the socket. Channels for the delivery of lubrication to the socket are not required for a wire-like retainer. Perez does not teach or suggest a *wire-like* retention device *connected* to a ball portion and a socket portion, as set forth in independent claims 1, 6 and 16, as amended above. Furthermore, claims 2-5, 7-15, and 17-20 are dependent upon an Independent claim that is shown to be allowable. Therefore, Perez fails to teach or suggest claims 1-20.

5. Claims 3, 6-10, 13-15, 18, and 19 were rejected under 35 U.S.C. §103(a) given Perez in view of Carroll, III et al. Claims 11 and 12 were rejected under 35 U.S.C. §103(a) given Perez et al. In view of Carroll, III et al., and further in view of design choice. Prior to discussing the merits of the Examiner's position, the applicant believes it would be helpful to first briefly describe and characterize the Carroll reference.

THE CARROLL REFERENCE

As stated in Carroll:

... [The] retainer element ... has a substantially helical configuration, wherein one end of said retainer element means engages said screw element means annular ledge section and the other end of said retainer element means engages said pad element means annular shoulder so that said arcuate contact face is held in said socket means [Column 7, line 20-26].

Carroll therefore describes a retainer that engages an annular shoulder on a pad or socket. Carroll fails to teach that the socket portion that the socket portion has a *foot extension*, as set forth in Independent claims 1 and 16, as amended above, and independent claim 6.

Because neither Perez nor Carroll alone or in combination teach the elements of independent claims 1, 6, and 16, the applicant respectfully submits that claims 1, 6, and 16 may be passed to allowance. Thus, the claims of the present invention are not taught or suggested by Perez and/or Carroll. Combining these references falls to teach or yield the invention as claimed. The combination of these references falls to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Perez and/or Carroll.

Furthermore, claims 2-5, 7-15, and 17-20 are dependent upon an Independent claim that is shown to be allowable. For all these reasons, the dependent claims are themselves allowable.

6. No new subject matter is introduced by the amendments to the above claims. The above changes to paragraphs 6, 10, and 35 of the specification correct typographical errors.

5. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 1-20 is hereby respectfully requested.

Respectfully submitted,

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